



**The Regular Meeting of the
Brian Head Town Council
Town Hall Council Chambers
56 N. Hwy 143, Brian Head, UT 84719**

TUESDAY, FEBRUARY 8, 2011 @ 12:45 PM

AMENDED AGENDA

- A. CALL TO ORDER 12:45 PM**
- B. CLOSED SESSION OF THE TOWN COUNCIL.** A Strategy Session of the Town Council to discuss Pending or Imminent Litigation.
- C. PLEDGE OF ALLEGIANCE**
- D. DISCLOSURES**
- E. APPROVAL OF THE MINUTES: January 25, 2011 Town Council Meeting**
- F. PUBLIC INPUT/ REPORTS (Limited to three (3) minutes) Non-Agenda Items**
- G. AGENDA TOPICS:**
 - 1. INTRODUCTION TO PUBLIC HEARING FOR COMMUNITY IMPACT BOARD (CIB) GRANT PROJECT.** Bryce Haderlie, Town Manager will give a brief update for the public's benefit on the proposed project for the CIB grant application for a Public Safety Building.
 - 2. PUBLIC HEARING FOR THE CIB GRANT APPLICATION FOR A PUBLIC SAFETY BUILDING PROJECT.** The Council will receive public comment on the CIB grant application for a Public Safety Building project. Comments will be limited to three minutes and written comments may be submitted to the Town Clerk no later than 4:30 p.m. on February 7, 2011.
 - 3. PUBLIC SAFETY BUILDING CONTRACT BID AND DESIGN SCHEDULE DISCUSSION.** Bryce Haderlie, Town Manager, the Council will hold discussion on the proposed Public Safety building contract bid and design schedule.
 - 4. ROCKY MOUNTAIN POWER COMMUNITY PERFORMANCE PLAN FOR 2011.** Bryce Haderlie, Town Manager. Rocky Mtn. Power's annual Community Performance Plan for Brian Head Town for 2011.
 - 5. 2011-2012 BUDGET SCHEDULE.** Cecilia Johnson, Town Treasurer. The Council will review the 2011-2011 Budget schedule for the annual budget retreat.
 - 6. BUSINESS LICENSE ORDINANCE DISCUSSION ON STREET/MOBLE FOOD VENDORS.** Nancy Leigh, Town Clerk. The Council will hold discussion on the street / mobile food vendor section in the Business License Ordinance.

H. ADJOURNMENT

Dated the 7th Day of February, 2011

Available to Board Members as per Resolution No. 347 authorizes public bodies, including the Town, to establish written procedures governing the calling and holding of electronic meetings at which one or more members of the Council may participate by means of a telephonic or telecommunications conference. In compliance with the Americans with Disabilities Act, persons needing auxiliary communications aids and services for this meeting should call Brian Head Town Hall @ (435) 677-2029 at least three days in advance of the meeting.

CERTIFICATE OF POSTING

I hereby certify that I have posted copies of this agenda in three public and conspicuous places within the Town Limits of Brian Head; to wit, Town Hall, Post Office and The Mall on this 7th day of February 2011 and have posted such copy on the Utah Meeting Notice Website and have caused a copy of this notice to be delivered to the Daily Spectrum, a newspaper of general circulation.

Nancy Leigh, Town Clerk

**The Regular Meeting of the
Brian Head Town Council
Town Hall Council Chambers
56 N. Hwy 143, Brian Head, UT 84719
TUESDAY, FEBRUARY 8, 2011 @ 12:45 PM**

Roll Call

Present: H.C. Deutschlander, Stewart Fausett, Hans Schwob, Jim Ortler, Linda Ames (By Skype).

Staff Present: Bryce Haderlie, Nancy Leigh, Tom Stratton, Gary Bulloch, Wendy Dowland, Cecilia Johnson, Gaylen Matheson

A. CALL TO ORDER

Mayor Deutschlander called the regular meeting of the Brian Head Town Council to order at 1:05 p.m.

B. CLOSED SESSION OF THE TOWN COUNCIL. A Strategy Session of the Town Council to discuss Pending or Imminent Litigation.

Motion: Council Member Ortler moved to enter into closed session of the Town Council to discuss pending or imminent litigation. Council Member Fausett seconded the motion.

Action: **Motion carried 5-0-0, roll call vote (summary: Yes = 5 Vote: Yes:** Mayor Deutschlander, Council Member Fausett, Council Member Schwob, Council Member Ortler, Council Member Ames).

The regular meeting of the Town Council was recessed for closed session at 1:06 p.m.

Motion: Council Member Ortler moved to adjourn the closed session of the Town Council and reconvene the regular meeting. Council Member Fausett seconded the motion.

Action: **Motion carried 5-0-0, roll call vote (summary: Yes = 5 Vote: Yes:** Mayor Deutschlander, Council Member Fausett, Council Member Schwob, Council Member Ortler, Council Member Ames).

The regular meeting of the Brian Head Town Council was reconvened at 1:15 p.m.

C. PLEDGE OF ALLEGIANCE

Mayor Deutschlander led the Council and others in the Pledge of Allegiance.

D. DISCLOSURES

There were no conflicts of interest with today's agenda items. Mayor Deutschlander stated that the disclosure statements are on file at the Recorder's office and are available for public inspection during normal business hours.

E. APPROVAL OF THE MINUTES: January 25, 2011 Town Council Meeting

Motion: Council Member Ortler moved to approve the January 25, 2011 Town Council minutes. Council Member Schwob seconded the motion.

Action: **Motion carried 5-0-0 (summary: Yes = 5 Vote: Yes:** Mayor Deutschlander, Council Member Fausett, Council Member Schwob, Council Member Ortler, Council Member Ames).

F. PUBLIC INPUT/ REPORTS (Limited to three (3) minutes) Non-Agenda Items**Council Member Ortler**

1. The State Legislature is still in session. Council Member Ortler then updated the Council on Senate Bill 14, which was recently derailed. The sponsored bill identified that with a 2/3 vote, a municipality could assess a fee which exceeds the actual cost of the fee.
2. Mayor Deutschlander, Council Member Fausett and he met with State Assemblymen and Senator Stowell's intern to discuss the Business License Retail Fee. Discussion centered on the idea of the fee being exempted from state sales tax and all agreed it was a double taxation issue. P. Dean will be drafting the bill to be considered by the Senate. Senator Stowell has promised to push the bill thru the Senate and Representative Noel has reported he will push the bill through the House.

Mayor Deutschlander

1. Utah Department of Transportation (UDOT) will be holding their annual visit to the counties on March 22, 2011. This may be a conflict with the regular meeting of the Town Council.
2. During the last Iron County Coordinating Council (ICCC) meeting, a UDOT map was distributed identifying various statistics of road miles and funding towards road projects. Interstate 15 will receive the most attention from UDOT, as it is the most traveled road. Mayor Deutschlander reported that he will meet with staff on this issue at a later date.
3. Updated the Council on the Appropriation Bills at the National level.

- **TOWN COUNCIL DISCUSSION: February 2, 2011: 20 hour power outage and related damage**

1. Brian Head experienced a twenty (20) hour power outage on February 1,2, 2011. Bryce contacted Tom Heaton, Rocky Mountain Power Customer Representative, who has distributed a letter on behalf of Rocky Mtn. Power (see attached). The outage occurred during sub zero temperatures causing water pipes to freeze and break in homes and condo units throughout Brian Head.
2. Public Works crews have shut water off to 35 homes and are using the electronic meter reader to detect water leaks.
3. Rocky Mountain Power has a process for those who are wishing to file a claim for damages and can contact Rocky Mountain Power for further information.
4. Mayor Deutschlander reported that Jennifer Weaver from the Daily Spectrum Newspaper will be in Brian Head tomorrow to interview the public on the power outage and damages. Mayor Deutschlander inquired if staff has complied information on damages from all of the condos/cabins in Brian Head.
5. Mayor Deutschlander inquired if staff considered waiving excess water usage fees due to the water line breaks throughout town. Bryce reported that due to extenuating circumstances, water fees related to the water line breaks would be on the next Council agenda for Council's consideration.
6. The town did not have any major damage to its infrastructure during the 20 hour power outage on February 1-2, 2011. The Public Works shop experience minor damage with a fire suppression system that came apart. The pipe has since been repaired.
7. Public Works have contacted property managers to request that no construction debris be put into the town dumpsters since the landfill is charging an additional charge for asbestos.
8. Public Works has now established a new policy to install propane heaters in all publicly owned buildings during a power outage in order to prevent pipes freezing.
9. Gaylen Matheson, Building Official, updated the Council on the damage the frozen water lines had with the condos and homes in Brian Head. Many of the units received minor damage and are in various stages of repair. There were a total of 119 condominium units which received some sort of damage and three to four more buildings that have yet to be inspected. Edelweiss Condos received the most damage and the occupancy has been revoked until further notice.
10. Bryce Haderlie, Town Manager, reported the power outage issue has raised the need to accelerate the implementation of social networking to inform the public of any emergencies. The town is currently setting up accounts for Facebook and Tweeter.
11. Council Member Hans inquired if the homeowners were notified if their water was shut off by the town. Tom responded that the homeowners were notified and the Public Works crew will not turn the water back on to the cabin until the homeowner or someone is available.
12. Joan Mortensen, Business Owner, inquired if Rocky Mountain Power has released information as to why the new 69KV line through Dry Lakes wasn't re-routed to avoid a power outage, if it is part of a grid system. Bryce responded that has not spoken with Rocky Mtn. Power on this particular issue, but he is unaware of any circulatory system for the power to Brian Head at this time.
13. Council Member Ortler requested Tom Heaton attend the next Council meeting to answer some of the concerns from citizens regarding the power outage.
14. Bryce reported the town has contacted the town's insurance company on the damage in the public safety building and the maintenance shop.

Bryce Haderlie, Town Manager

1. Attended a Bureau of Land Management (BLM) meeting for a Resource Management Plan (RMP). The plan is a three year project on how BLM will be designating federal lands for uses such as tourism recreation, grazing, etc. The BLM will be receiving public input at a later date.
2. The Planning Commission is creating a list of priorities for the review of the Land Management Code (LMC). The Council was encouraged to participate in upcoming meetings to give their input.

Gary Bulloch, Public Safety Director

1. Updated the Council on House Bill 48. The Bill currently affects police agencies as it pertains to fingerprinting youth offenders, ages 14 and older. Currently there are no facilities in the state set up for the process.
2. Distributed the department's council update (see attached).

Cecilia Johnson, Town Treasurer, updated the Council on the excess property taxes the town received last month. Cecilia reported the County mistakenly wired \$86,000 to the General fund and it should have been designated for the Redevelopment Agency fund. The County has since corrected the error.

1 **Joey Finger**, property owner, requested the Council consider a proposal to construct a tennis court facility in Brian Head
2 for summer recreation use. Mr. Finger reported he currently lives in Las Vegas, NV and is deeply involved in the tennis
3 community. Mr. Finger commented that he believes that a tennis court would be an attractive addition to the town and
4 could possibly start training camps for athletes to take advantage of the high altitude training. Mr. Finger commented that
5 it could triple the parks and recreation budget for the town.

6 Discussion was held regarding the tennis courts that were once located next to the town pavilion and have since been a
7 basketball court, volleyball court and a helicopter landing pad. Mayor Deutschlander thanked Mr. Finger for his
8 suggestion and reported it may be a topic of discussion during the annual budget retreat depending on the town's fiscal
9 situation.

10 **G. AGENDA TOPICS:**

11 **1. INTRODUCTION TO PUBLIC HEARING FOR COMMUNITY IMPACT BOARD (CIB)**

12 **GRANT PROJECT.** A brief update for the public's benefit on the proposed project for the CIB grant application for a
13 Public Safety Building.

14 Bryce Haderlie, Town Manager, explained the town has submitted a Community Impact Board (CIB) grant application for
15 funds to build the public safety building. As part of the grant application a public hearing is required. Bryce then gave a
16 brief history of the public safety building and presented a power point presentation (see attached). Bryce reported on the
17 deterioration of the existing building and the issues the town is facing with the damage from the power outage on February
18 1, 2, 2011.

19 Discussion was held on the following:

- 20 1. The staff has received updated information on construction costs for the public safety building. A revised cost of
21 2.6 million dollars is now estimated instead of the 3.8 million dollars identified during the 2010 bond election.
- 22 2. Saraha Construction, a construction management company, has approached the town to offer options for funding
23 the public safety building. They offered their services free of charge and gave an updated cost estimate of 2.6
24 million dollars for the same building presented in the 2010 bond election.
- 25 3. The town hired a company to complete a mold test on the existing building. The report indicates a variety of
26 types of mold that has been detected on the police (office) side of the building.
- 27 4. Council Member Ortler inquired if staff has formulated a plan to deal with the mold issue. Bryce responded on a
28 possible option to chemically treat the wood and replace the sheetrock. One issue associated with the mold is
29 water leaks going through the building. The cost for mold remediation for the interior part of the building is
30 estimated at \$25,000.00.
- 31 5. Council Member Ortler commented that he would like staff to present specific recommendations to the Council
32 and the public safety employees should not be located within the building if mold is an issue.
- 33 6. Discussion was held regarding whether the town should move towards a temporary building or rent office space
34 for the officers until a determination is made.
- 35 7. Bryce reported the fire truck bay area is not a concern at this time and the trucks will remain in the building.
- 36 8. Discussion was held on the maintenance of the building. Bryce responded that a new roof was installed four years
37 ago, but due to the poor design of the roof, it has deteriorated over the years and water leaks in the ceiling area of
38 the offices.
- 39 9. The company who completed the mold testing on the building has reported the employees were not in immediate
40 danger which could give the town a few months to formulate a plan for the building.
- 41 10. Whether the town could benefit from a "not to exceed" contract in working with contractors on the public safety
42 building.
- 43 11. If the town received a substantial grant from CIB, the cost for a General Obligation (GO) bond could be reduced
44 by half.
- 45 12. The town is requesting CIB suspend their normal timeline for grants and awards the grant by the first of March,
46 2011. If the town is awarded the grant, the town could receive funds by April, 2011. If the Council choose to go
47 through a bond election, then the first bond payment could be extended to February, 2013.

48 **2. PUBLIC HEARING FOR THE CIB GRANT APPLICATION FOR A PUBLIC SAFETY**

49 **BUILDING PROJECT.** Public comment on the CIB grant application for a Public Safety Building project.

50 Mayor Deutschlander opened the public hearing for the purpose of receiving public comment on the proposed CIB grant
51 application for a public safety building at 2:07 p.m.

52 Joan Mortensen, business owner, commented that she is opposed to the town's elaborate spending and the reason the public
53 voted against the public safety building in the 2010 bond election, is due to the poor economy. Ms. Mortensen inquired as
54 to how much money can the town justify with indebtedness with today's economy and that every dollar the town spends,
55 the taxpayers have to pay back.
56

1 Nancy Leigh, Town Clerk, reported that no written comments were submitted for the public hearing. There were no
2 further comments from the public. Mayor Deutschlander closed the public hearing at 2:09 p.m.

3 Discussion items from the public hearing:

- 4 1. Mayor Deutschlander responded to Ms. Mortensen's comment regarding the 2010 bond election results. Mayor
5 Deutschlander stated the public did not vote down the public safety building, they voted down a means to finance
6 the building.
- 7 2. Bryce responded to Ms. Mortensen's question as to the town's debt. Currently the town has 2.9 million dollars of
8 debt, but this amount does not include the failed Special Improvement Districts (SID) of Steam Engine Meadows
9 and Bristlecone, or the USDA water improvements in which the revenue is identified through the water fees.
- 10 3. Discussion on Brian Head's tax rate as compared to its neighboring communities. Gaylen Matheson distributed a
11 spreadsheet from the County Assessor's office identifying all Iron County cities and town's tax rates (see
12 attached).
- 13 4. Bryce reported the tax rates are revenue neutral, so if the assessed value decreases, then the tax rate increases in
14 order for the town to receive the same amount of tax revenue.
- 15 5. Prior to 2009, Brian Head Town has not gone through a truth in taxation process for 16 years. The Council also
16 voted down a truth in taxation increase in 2010.
- 17 6. Ms. Mortensen commented her absentee homeowners' pay the majority of the property taxes and are unable to
18 vote in Brian Head. The homeowners complain as to when the town is going to stop spending and start saving
19 money. Ms. Mortensen stated she also realizes the majority of the property taxes go to the School District and not
20 Brian Head.
- 21 7. Two options for the Council to consider in funding the public safety building, would be to go through a bond
22 election again or a truth in taxation process.
- 23 8. Council Member Ortler reported the Town Council has formally established a goal to reduce taxes by 5% in the
24 next budget cycle.
- 25 9. If the town were able to increase the amount of grant funds by requesting grants from several agencies, it would
26 reduce the amount of money needed to fund a bond.
- 27 10. If a fire district should be established in order to reduce the impact on the town having to fund the entire project.

28 3. **PUBLIC SAFETY BUILDING CONTRACT BID AND DESIGN SCHEDULE DISCUSSION.**

29 Discussion on the proposed Public Safety building contract bid and design schedule.

30 Bryce Haderlie, Town Manager, requested direction from the Council regarding an option of working with Saraha
31 Construction's recommendation on the construction of the public safety building with "not to exceed" contracts. Bryce
32 reported staff will work with legal on Request For Proposals (RFP) for architecture work and/or construction work on the
33 design building plans and contractor bids with a "not to exceed" amount of 2.6 million dollars.

34 The Council held discussion on the following:

- 35 1. Council Member Schwob recommended the Council wait until the town receives notification on the amount of
36 grant funds awarded prior to authorizing any funds being spent on the public safety building.
- 37 2. Construction of the public safety building could happen during the 2011 construction season if the town received
38 the CIB grant notice by March.
- 39 3. The Municipal Building Authority (MBA) is the applicant on the CIB grant application.
- 40 4. Council Member Ortler suggested the town identify a non-binding type of ballot to give the town an indication of
41 where the public stands on the issue.
- 42 5. The CIB will be holding a meeting the first part of March in which the Mayor, Town Manager, Town Attorney,
43 and the Town's Financial Advisor will be in attendance for the request of grant funds and the ability to negotiate
44 with the CIB.
- 45 6. Five County Association of Government are meeting later today to forward their recommendation for the public
46 safety building on to CIB.

47 **Consensus of the Council:** Direct staff to start the process for bid documents on the Public Safety Building, and it be
48 noted Council has approved staff time only and no other outside costs are to be included.

49 4. **ROCKY MOUNTAIN POWER COMMUNITY PERFORMANCE PLAN FOR 2011.**

50 Rocky Mtn. Power's annual Community Performance Plan for Brian Head Town for 2011.

51 Bryce Haderlie, Town Manager, gave a brief explanation on the Community Performance Plan between Brian Head and
52 Rocky Mountain Power (see attached). Bryce requested the Council's approval to sign the Plan for Rocky Mountain
53 Power. Bryce explained a new goal has been identified for the 2011 year, in which the town has been working with Rocky
54 Mountain Power on energy conservation. Rocky Mtn. Power conducted a survey on the town owned facilities to identify
55 means of energy conservation.

56 Discussion was held regarding the 69KV transmission lines installed several years ago and whether South Central
57 Communication would be able to install their fiber optic lines along the power lines coming up Parowan Canyon. Mayor

Deutschlander reported that South Central has permission from Rocky Mtn. Power and will be using the older 35KV power lines for the fiber optics installation.

Motion: Council Member Ortler moved to table this agenda item and request staff contact Mr. Tom Heaton from Rocky Mountain Power to attend the next Council meeting. Council Member Fausett seconded the motion.

Action: **Motion carried 5-0-0 (summary: Yes = 5 Vote: Yes:** Mayor Deutschlander, Council Member Fausett, Council Member Schwob, Council Member Ortler, Council Member Ames).

5. 2011-2012 BUDGET SCHEDULE. A review of the 2011-2011 Budget schedule for the annual budget retreat. Cecilia Johnson, Town Treasurer, presented a budget schedule for Council's review (see attached). Cecilia reported the annual budget retreat may need to be scheduled earlier than usual due to several of the staff attending their annual training in late April.

Discussion was held regarding potential budget retreat dates and locations. **Consensus of the Council** was to identify April 7 & 8, 2011 for the budget retreat dates and directed staff to recommend accommodations and locations and report back to Council.

6. BUSINESS LICENSE ORDINANCE DISCUSSION ON STREET/MOBLE FOOD VENDORS.

Discussion on the street / mobile food vendor section in the Business License Ordinance.

Nancy Leigh, Town Clerk/Recorder (& Business License Clerk) asked for direction from the Council regarding mobile food vendors. Nancy explained she has received several complaints from mobile food vendors on the restrictions for mobile food and street vendor sales in Brian Head. The vendors were discouraged from setting up their businesses in Brian Head. Nancy inquired if the Council would consider amending Business License Ordinance pertaining to the mobile food and street vendor regulations to be less restrictive.

Nancy reported the current regulations stipulate a mobile food/street vendor can only service construction sites, move 250 feet every two hours, maintain a distance of 500 feet from any food establishment and must have private property owner's permission along with a schedule to be submitted to the licensing officer prior to conducting business in Brian Head.

The Council held discussion on the impact mobile food vendors have on the established businesses in town and if the food vendors wish to conduct business in Brian Head, then commercial space is available for them to set up as a business in Brian Head.

Consensus of the Council: the Council will not amend the Business License Ordinance for lesser restrictions on the mobile food/street vendor requirements.

H. ADJOURNMENT

Motion: Council Member Ames moved to adjourn the regular meeting of the Brian Head Town Council for February 8, 2011. Council Member Fausett seconded the motion.

Action: **Motion carried 5-0-0 (summary: Yes = 5 Vote: Yes:** Mayor Deutschlander, Council Member Fausett, Council Member Schwob, Council Member Ortler, Council Member Ames).

The regular meeting of the Brian Head Town Council was adjourned at 3:12 p.m. for February 8, 2011.

February 22, 2011

Date Approved

Nancy Leigh, Town Clerk/Recorder